

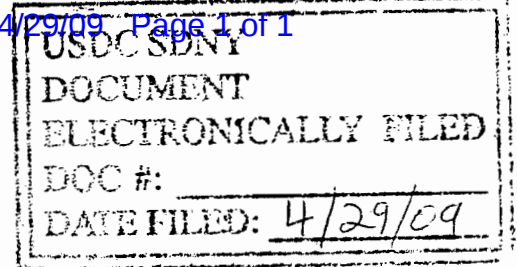
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES EDWARD MCCARTHY, et. al,
Plaintiffs,

- against -

BERNARD STOLLMAN and ESP-DISK,
Defendants.

-----X
DEBORAH A. BATTIS, United States District Judge.



06 Civ. 2613 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

The Court has reviewed the Report and Recommendation of Magistrate Judge Debra Freeman, dated February 26, 2009, recommending that Defendants' Motion to Dismiss be denied. The Court has also reviewed Corporate Defendant, Esp-Disk, represented by Bernard Stollman (Esq.), and Bernard Stollman, pro se, Objections to Magistrate Judge's Amended [sic] Report and Recommendation, dated March 15, 2009.

The Court has conducted an independent de novo review of the record herein and, after due consideration, Defendants' objections are without merit.

Accordingly, it is ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of Judge Freeman, dated February 26, 2009, be and is hereby approved, adopted, and ratified by the Court;

2. Defendant's Motion to Dismiss the Complaint is DENIED.

SO ORDERED.

DATED: New York, New York
April 29, 2009

A handwritten signature in cursive script, reading 'Deborah A. Battis'.

DEBORAH A. BATTIS
United States District Judge